

## DECLARATION OF EMERGENCY

### Department of Economic Development Office of Business Development

Ports of Louisiana Tax Credits (LAC 13:I.3903 and 3923)

(November 2014), amended by the Department of Economic Development, Office of Business Development, LR 42:

Anne G. Villa  
Undersecretary

1511#022

This Emergency Rule is being published pursuant to emergency provisions of the Administrative Procedure Act, R.S. 49:953(B). The Department of Economic Development has an immediate need for rules for the Ports of Louisiana Tax Credits (R.S. 47:6036 et seq., and R.S. 51:921 et seq.), to effect fees under the new fee schedule provided by HB 773 of the 2015 Regular Session of the Louisiana Legislature. A delay in imposition of such fees would hinder effective administration of this program, impose unfunded and unrecoverable costs on the department, and delay access to the program by qualified applicants, resulting in an adverse financial impact on the state, the department, Louisiana businesses and taxpayers. This Emergency Rule shall become effective October 29, 2015, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act, or until a final Rule is promulgated in accordance with law, whichever occurs first.

This Emergency Rule is being promulgated in order to continue the provisions of the July 1, 2015 Emergency Rule (effective for 120 days), published in the *Louisiana Register*, as an Emergency Rule in the July 2015 edition, and which will be published a Notice of Intent in the November 2015 edition, with a public hearing expected in December 2015.

#### Title 13

### ECONOMIC DEVELOPMENT

#### Part I. Financial Incentive Programs

#### Chapter 39. Ports of Louisiana Tax Credits

#### Subchapter A. Investor Tax Credit

#### §3903. Preliminary Certification

A. - B.8. ...

C. An application fee shall be submitted with the application based on the following:

1. 0.5 percent (.005) times the estimated total incentive rebates (see application fee worksheet to calculate);

2. the minimum application fee is \$500 and the maximum application fee is \$15,000 for a single project.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 36:2544 (November 2010), amended by the Department of Economic Development, Office of Business Development, LR 42:

#### Subchapter B. Import-Export Tax Credit

#### §3923. Application

A. - E.3. ...

F. An application fee equal to 0.5 percent (0.005) times the total anticipated tax incentive, with a minimum application fee of \$500 and a maximum application fee of \$15,000, shall be submitted with each application for import-export credits. The fee shall be made payable to Louisiana Economic Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6036.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 40:2239